

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>5/25/2018</u>

In re:

03-MDL-1570 (GBD)(SN)

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001****ORDER**

-----X

SARAH NETBURN, United States Magistrate Judge:

On May 23, 2018, the Plaintiffs' Executive Committees (the "PECs") filed a motion requesting short form complaint procedures for new plaintiffs suing the Islamic Republic of Iran ("Iran") and new plaintiffs adopting the Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. March 30, 2017), ECF No. 1 [hereinafter the Ashton Saudi Arabia Complaint]. The Court hereby approves the Iran Short Form Complaint, ECF No. 4007-1, and Ashton Short Form Saudi Arabia Complaint, ECF No. 4007-2, and further orders as follows:

Iran Short Form Complaint. Any plaintiff who has not yet filed a claim against Iran, but intends to do so, may initiate an action against Iran through the filing of an Iran Short Form Complaint, substantially in the form attached as Exhibit A to the PECs' May 23, 2018 Letter, ECF No. 4007-1. Any such new action initiated through the filing of an Iran Short Form Complaint shall be filed as a new case, and designated as related to this MDL. No more than 100 plaintiffs, including estate plaintiffs, may be included in a single Iran Short Form Complaint. Solatium claims must be filed on the same Iran Short Form Complaint as the claims brought by the decedent family member's estate. To the extent that new solatium claims are filed in connection with an estate that has previously filed a claim against Iran, those claims must be

added according to the procedures established in the Court's April 27, 2018 Order, ECF No. 3982, except that the Notice of Amendment must be modified to raise claims against Iran.

Counsel filing a new action through an Iran Short Form Complaint shall submit a letter to the Honorable George B. Daniels and the Honorable Sarah Netburn, docketed in this MDL, requesting that the new action be made part of this MDL. Upon filing an Iran Short Form Complaint, a plaintiff shall be deemed to have asserted the factual allegations, jurisdictional allegations, and jury trial demand of either the Ashton Plaintiffs' Amended Consolidated Complaint Against Defendant, the Islamic Republic or Iran, ECF No. 3237 [hereinafter Ashton Iran Complaint], or the Amended Complaint, Burnett v. Islamic Republic of Iran, No. 15-CV-9903 (GBD)(SN) (S.D.N.Y. Feb. 8, 2016), ECF No. 53 [hereinafter Burnett Complaint], as well as all causes of action specified in the Iran Short Form Complaint. In addition, by filing an Iran Short Form Complaint, a plaintiff shall be deemed to be bound by all decisions rendered in this MDL that relate to all actions, regardless of when the Iran Short Form Complaint is filed.

By filing an Iran Short Form Complaint, a plaintiff shall not be deemed to have adopted any class-action allegations set forth in the Ashton Iran Complaint or the Burnett Complaint or waived any right to object to class certification or to opt out of any certified class. The filing of an Iran Short Form Complaint also does not serve as a request for exclusion from any class that the Court may certify.

Ashton Short Form Saudi Arabia Complaint. Any plaintiff who has not yet filed a claim against Saudi Arabia, but intends to do so, may initiate an action against Saudi Arabia through the filing of an Ashton Short Form Saudi Arabia Complaint, substantially in the form attached as Exhibit B to the PECs' May 23, 2018 Letter, ECF No. 4007-2. Any such new action initiated through the filing of an Ashton Short Form Saudi Arabia Complaint shall be filed as a

new case, and designated as related to this MDL. No more than 100 plaintiffs, including estate plaintiffs, may be included in a single Ashton Short Form Saudi Arabia Complaint. Solatium claims must be filed on the same Ashton Short Form Saudi Arabia Complaint as the claims brought by the decedent family member's estate. To the extent that new solatium claims are filed in connection with an estate that has previously filed a claim against Saudi Arabia, those claims must be added according to the procedures established in the Court's April 27, 2018 Order, ECF No. 3982, except that the Notice of Amendment must be modified to adopt the Ashton Saudi Arabia Complaint.

Counsel filing a new action through an Ashton Short Form Saudi Arabia Complaint shall submit a letter to the Honorable George B. Daniels and the Honorable Sarah Netburn, docketed in this MDL, requesting that the new action be made part of this MDL. Upon filing an Ashton Short Form Saudi Arabia Complaint, a plaintiff shall be deemed to have asserted the factual allegations, jurisdictional allegations, and jury trial demand of the Ashton Saudi Arabia Complaint, as well as all causes of action specified in the Ashton Short Form Saudi Arabia Complaint. After filing the Ashton Short Form Saudi Arabia Complaint via ECF, the filing plaintiff(s) shall timely submit an appropriate request for waiver of service to counsel for Saudi Arabia. Any motion to dismiss or responsive pleading filed by Saudi Arabia to the Ashton Saudi Arabia Complaint shall be deemed applicable to all actions initiated through an Ashton Short Form Saudi Arabia Complaint, regardless of when the Ashton Short Form Saudi Arabia Complaint is filed. In addition, by filing an Ashton Short Form Saudi Arabia Complaint, a

plaintiff shall be deemed to be bound by all decisions rendered in this MDL that relate to all actions, regardless of when the Ashton Short Form Saudi Arabia Complaint is filed.

By filing an Ashton Short Form Saudi Arabia Complaint, a plaintiff shall not be deemed to have adopted any class-action allegations set forth in the Ashton Saudi Arabia Complaint or waived any right to object to class certification or to opt out of any certified class. The filing of an Ashton Short Form Saudi Arabia Complaint also does not serve as a request for exclusion from any class that the Court may certify.

As new complaints are being filed against Saudi Arabia, the Court would like to put all plaintiffs on notice that, in the event that liability is ultimately established against Saudi Arabia, solatium claimants shall be required to present documentary evidence of their family relationship to a 9/11 decedent for the Court's review. Such evidence would consist of birth or marriage certificates or, in their absence, sworn affidavits attesting to a family relationship eligible for recovery. For deceased solatium claimants, a death certificate or sworn affidavit shall be requested to ensure that the claimant did not predecease the 9/11 victim. Cf. ECF No. 3442, 3445 (orders vacating judgments against Islamic Republic of Iran and dismissing claims of solatium claimants who had pre-deceased victims). Although liability and damages are bifurcated in this case, the Court strongly encourages all plaintiffs to gather the necessary documentation before or shortly after the filing or amendment of their complaints because such documentation may be more difficult to obtain with the passage of time.

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 4007.

SO ORDERED.

DATED: May 25, 2018
New York, New York



SARAH NETBURN
United States Magistrate Judge